



03-07-06

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Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

| | | |
|--|----|------------------------|
| Application Number | | 10/737,225 |
| Filing Date | | 12/16/2003 |
| First Named Inventor | | N.R. Gandhi |
| Art Unit | | 1761 |
| Examiner Name | | Anthony J. Weier |
| Total Number of Pages in This Submission | 32 | Attorney Docket Number |
| | | 5334-CIP-CON |

ENCLOSURES (check all that apply)

| | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): •Statement for Information Disclosure Statement Under 37 C.F.R. 1.97(e) •Transmittal of Information Disclosure Statement Before Mailing Date of Either a Final Action or Notice of Allowance •Copy of Foreign Search Report •Copies of foreign patent references |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|----------------------------------|----------|--------|
| Firm | Reinhart Boerner Van Deuren s.c. | | |
| Signature | | | |
| Printed Name | Rodney D. DeKruif | | |
| Date | March 6, 2006 | Reg. No. | 35,853 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

| | | | |
|-----------------------|-------------------|------|---------------|
| Signature | | | |
| Typed or printed name | Rodney D. DeKruif | Date | March 6, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. 1278179

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Reinhart Boerner Van Deuren s.c.

BY: Rodney D. DeKruif
Rodney D. DeKruif

Dated: March 6, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------------|---|------------------------------|
| In re application of: N.R. Gandhi |) | Group Art No.: 1761 |
| |) | |
| Serial No.: 10/737,225 |) | Examiner: N.R. Gandhi |
| |) | |
| Filed: December 16, 2003 |) | Atty Docket No. 5334-CIP-CON |
| |) | |
| For: SOY MILK COMPOSITIONS |) | |
| AND METHODS OF |) | |
| PREPARATION |) | |

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

STATEMENT FOR INFORMATION DISCLOSURE UNDER 37 C.F.R. § 1.97(e)

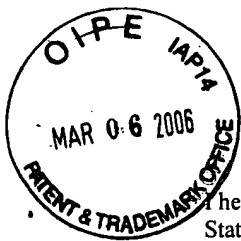
1. This statement is being made for the Information Disclosure Statement accompanying this statement.
2. I, the person(s) signing below state:

that each item of information contained in the information disclosure statement was first cited in any communication (copy attached) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. 37 C.F.R. § 1.97(e)(1).
3. The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

Rodney D. DeKruif
Rodney D. DeKruif
Reinhart Boerner Van Deuren s.c.
Attn: Linda Kasulke, Docket Clerk
1000 North Water Street, Suite 2100
Milwaukee, WI 53202

Registration No. 35,853
Telephone No.: 414-298-8360

Customer No.: 22922



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Reinhart Boerner Van Deuren s.c.

PATENT APPLICATION

By: Rodney D. DeKniif
Rodney D. DeKniif

Date: March 6, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GROUP ART UNIT: 1761

EXAMINER: ANTHONY J. WEIER

In re application of: N.R. Gandhi)
Application No: 10/737,225)
Filed: December 16, 2003)
Attorney Docket No. 5334-CIP-CON)
Customer No. 22922)

For: SOY MILK COMPOSITIONS AND
METHODS OF PREPARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT BEFORE MAILING DATE OF EITHER A FINAL ACTION OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))

NOTE: "An information disclosure statement shall be considered by the Office if filed . . . before the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, provided the statement is accompanied by either a certification as specified in paragraph (e) of this section or the fee set forth in § 1.17(p)." 37 CFR 1.97(c).

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "If information submitted during the period set forth in 37 CFR 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on

patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 CFR 1.17(p), the Office action shall not be made final." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:
 - (1) a final action under § 1.113 or
 - (2) a notice of allowance under § 1.311,whichever occurs first.

CERTIFICATION OR FEE

2. Accompanying this transmittal is

(check either A or B below)

A. ☒ a certification as specified in 37 CFR 1.97(e)

OR

B. ☐ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

FEE PAYMENT

(complete this item, if applicable)

3. Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c) (\$180.00).

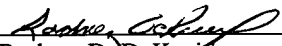
Fee due \$ _____

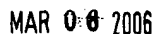
METHOD OF PAYMENT OF FEE

4. ☐ Attached is a check in the amount of \$ _____
☐ Charge Account No. _____ in the amount of \$ _____.
A duplicate of this request is attached.

If any additional fees are due, please charge Account 18-0882

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1000 North Water Street, Suite 2100
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414-298-8360

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Agent for Applicant
Registration No. 35,853



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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

| | | | |
|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

Complete if Known

| | |
|-------------------------------|-------------------|
| Application Number | 10/737,225 |
| Filing Date | 12/16/2003 |
| First Named Inventor | N.R. Gandhi |
| Art Unit | 1761 |
| Examiner Name | Anthony J. Weiner |
| Attorney Docket Number | 5334-CJP-CON |

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ⁶ |
|-----------------------|--------------------------|---|-----------------------------------|--|---|----------------|
| | | Country Code ³ - Number ⁴ - Kind Code ⁵ (if known) | | | | |
| | | JP 58101668 | 06-16-1983 | Munenojiyou Hayakawa | | |
| | | JP 61025458 | 02-04-1986 | Meiji Milk Prod. Co. Ltd. | | |
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| | | JP 10084901 | 04-07-1998 | Onozuka Yuichiro | | |
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| | | JP 61088837 | 05-07-1986 | Tsune Kawahara | | |
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| | | JP 59085253 | 05-17-1984 | Senba Touka Kogyo KK | | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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